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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/072,032 | 02/07/2002 | Allen R. Stein | 2A08.1-011 | 1943 |

7590

11/05/2003

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EXAMINER

NOVOSAD, JENNIFER ELEANORE

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3634

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,032

Applicant(s)

STEIN, ALLEN R.

Examiner

Jennifer E. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 and 20 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

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DETAILED ACTION

Request for Continued Examination

The request filed on July 28, 2003 (Paper No. 10) for a Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 10/072,032 is acceptable and an RCE has been established. An action on the RCE follows.

Claims 1, 4-11, 12, 13, 15-18, 21, and 22 have been canceled. Claims 23 and 24 are pending in this application.

Drawings

The drawings were received on May 20, 2003 (Paper No. 7). These drawings are approved.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 23 and 24 are rendered indefinite since it is unclear from the language of the recitations "at least two display panels", "an underlying panel", and "an overlying panel" what exactly is being claimed. In particular, since line 4 of claim 23 and line 2 of claim 24 recite "at

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least two display panels" it is unclear whether the "underlying" and "overlying" panels are these "two" panels.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Engel *et al.* '665.

Engel *et al.* '665 disclose a display device comprising a rack (the binder 10) with at least one support member (20) and a body portion (at 14 and back cover, e.g., 40) extending therefrom; a first array and a second array, i.e., "Jason" is the first array and "Clark" is the second array, whereby the first array is mounted on a first side (left side of Figure 2) of the support member (22) and the second array is mounted on a second side (right side of Figure 2) of the support member (22), i.e., when the pages that contain the letters which spell "Jason" are turned about the support member from the right side in Figure 2 to the left side in Figure 2, the first array would be on the first side; each of the first and second arrays having at least display panels (like 20) each mounted at an inner edge to the support member (22) whereby the two display panels define an underlying panel and an overlying panel, i.e., in the first array "J" is the overlying panel and "A" is the underlying panel" and in the second array "C" is the overlying panel and "L" is the underlying panel; each of the panels having a *sample*, e.g., J, A, C, L, etc. of

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a *displayed* material mounted thereon substantially adjacent a free edge distal from the inner edge; each of the panels having a height, i.e., from bottom to top in Figure 2, and a width, i.e., between the inner edge and the distal edge, whereby the width of the overlying panel, i.e., J and C, is sufficiently less than the width of the underlying panel, i.e., A or L, so that the material (A or L) is visible beyond the free edge of the overlying panel (J or C).

It is noted that the claims do not define what the "sample of displayed material" is and hence the letters are considered to define this element. In particular, it is noted that the claims do not define whether this "material" is a textile. It is noted that any information, e.g., letters, numbers, colors, etc., can be defined as "material".

Response to Arguments

Applicant's arguments with respect to claims 23 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 5:30am-4:00pm.

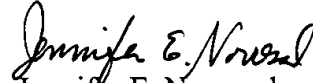
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.


Jennifer E. Novosad
Examiner
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Jennifer E. Novosad/jen
October 28, 2003